



General Assembly

February Session, 2010

***Raised Bill No. 149***

LCO No. 813

\*00813\_\_\_\_\_PS\_\*

Referred to Committee on Public Safety and Security

Introduced by:  
(PS)

***AN ACT CONCERNING THE GOVERNOR'S POWER TO MODIFY OR  
SUSPEND STATUTES, REGULATIONS OR OTHER REQUIREMENTS  
DURING A PUBLIC HEALTH EMERGENCY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 28-9 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) In the event of serious disaster, enemy attack, sabotage or other  
4 hostile action or in the event of the imminence thereof, the Governor  
5 may proclaim that a state of civil preparedness emergency exists, in  
6 which event [he] the Governor may personally take direct operational  
7 control of any or all parts of the civil preparedness forces and functions  
8 in the state. Any such proclamation shall be effective upon filing with  
9 the Secretary of the State. Any such proclamation, or order issued  
10 pursuant thereto, issued by the Governor [because of a disaster  
11 resulting from man-made cause] may be disapproved by majority vote  
12 of a joint legislative committee consisting of the president pro tempore  
13 of the Senate, the speaker of the House of Representatives and the  
14 majority and minority leaders of both houses of the General Assembly,  
15 provided at least one of the minority leaders votes for such

16 disapproval. Such disapproval shall not be effective unless filed with  
 17 the Secretary of the State [within] not later than seventy-two hours [of]  
 18 after the filing of the Governor's proclamation with the Secretary of the  
 19 State. As soon as possible after such proclamation, if the General  
 20 Assembly is not then in session, the Governor shall meet with the  
 21 president pro tempore of the Senate, the speaker of the House of  
 22 Representatives, and the majority and minority leaders of both houses  
 23 of the General Assembly and shall confer with them on the advisability  
 24 of calling a special session of the General Assembly.

25 (b) Upon such proclamation, the following provisions of this section  
 26 and the provisions of section 28-11 shall immediately become effective  
 27 and shall continue in effect until the Governor proclaims the end of the  
 28 civil preparedness emergency:

29 [(a) The] (1) Following the Governor's proclamation of a civil  
 30 preparedness emergency pursuant to subsection (a) of this section or  
 31 declaration of a public health emergency pursuant to section 19a-131a,  
 32 the Governor [is authorized and empowered to] may modify or  
 33 suspend in whole or in part, by order as hereinafter provided, any  
 34 statute, regulation or requirement or part thereof whenever [in his  
 35 opinion it] the Governor finds such statute, regulation or requirement,  
 36 or part thereof, is in conflict with the efficient and expeditious  
 37 execution of civil preparedness functions. The Governor shall specify  
 38 in such order the reason or reasons therefor and any statute, regulation  
 39 or requirement or part thereof to be modified or suspended and the  
 40 period, not exceeding six months unless sooner revoked, during which  
 41 such order [, modification or suspension] shall be enforced. Any such  
 42 order shall have the full force and effect of law upon the filing of the  
 43 full text [thereof] of such order in the office of the Secretary of the  
 44 State. The Secretary of the State shall, [within] not later than four days  
 45 after receipt of the order, cause such order to be printed and published  
 46 in full in at least one issue of a newspaper published in each county  
 47 and having general circulation therein, but failure to publish shall not  
 48 impair the validity of such order. Any statute, regulation or

49 requirement, or part thereof, inconsistent [therewith] with such order  
50 shall be inoperative for the effective period of such order. [or  
51 suspension.] Any such order shall be communicated by the Governor  
52 at the earliest date to both houses of the General Assembly.

53 [(b)] (2) The Governor may order into action all or any part of the  
54 department or local or joint organizations for civil preparedness  
55 mobile support units or any other civil preparedness forces.

56 [(c)] (3) The Governor shall order and enforce such blackouts and  
57 radio silences as are authorized by the United States Army or its duly  
58 designated agency and may take any other precautionary measures  
59 reasonably necessary in the light of the emergency.

60 [(d)] (4) The Governor may designate such vehicles and persons as  
61 shall be permitted to move and the routes which they shall follow.

62 [(e)] (5) The Governor shall take appropriate measures for  
63 protecting the health and safety of inmates of state institutions and  
64 children in schools.

65 [(f)] (6) The Governor may order the evacuation of all or part of the  
66 population of stricken or threatened areas and may take such steps as  
67 are necessary for the receipt and care of such evacuees.

68 [(g)] (7) The Governor may take such other steps as are reasonably  
69 necessary in the light of the emergency to protect the health, safety and  
70 welfare of the people of the state, to prevent or minimize loss or  
71 destruction of property and to minimize the effects of hostile action.

72 [(h)] (8) In order to insure the automatic and effective operation of  
73 civil preparedness in the event of enemy attack, sabotage or other  
74 hostile action, or in the event of the imminence thereof, the Governor  
75 may, at [his] the Governor's discretion, at any time prior to actual  
76 development of such conditions, issue such proclamations and  
77 executive orders as [he] the Governor deems necessary, such  
78 proclamations and orders to become effective only under such

79 conditions.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	28-9

**Statement of Purpose:**

To permit the Governor to modify or suspend any statute, regulation or requirement during a public health emergency.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*